



File Code: 5430/1930

Date: April 09, 2009

**PUBLIC SCOPING LETTER
PROPOSED "SNOWY RANGE RANCH LAND EXCHANGE"**

Dear Interested Party:

The Forest Service is seeking public and agency comments for an environmental analysis of the proposed "**Snowy Range Ranch Land Exchange**" on the Gallatin National Forest. The **Proposed Action** includes the following components: (Please refer to enclosed maps):

Land Exchange: Walt Weissman (hereinafter "Weissman", owner of Snowy Range Ranch ("SRR"), located in the East Fork Mill Creek area south of Livingston) and the USDA Forest Service (hereinafter "Forest Service" or "U.S.") propose to exchange lands as follows:

- Weissman would convey to the Forest Service a total of approximately **21.39 acres**:
 - Five parcels of private land, approximately **1.16 acres** in total, located south of the centerline of East Fork Mill Creek (T6S, R10E, Section 17, Park County, Livingston Ranger District), shown as **Parcels A, B, C, D and E on Map A**, and
 - One **20.23-acre** parcel of private land in the Taylor Fork drainage, shown as **Parcel F on Map B** (Gallatin County, Hebgen Lake Ranger District). Parcel F is described as Lot 29, COS 1505A, Section 1, T9S, R3E. The parcel is surrounded by NFS lands, including lands acquired in 2003 from the 320 Ranch.
- In exchange, the U.S. would convey to Weissman a total of approximately **13.12 acres** of National Forest System (NFS) land in seven parcels. These lands are contiguous to SRR in the East Fork Mill Creek area (Park County, Livingston Ranger District), and shown as **Parcels 43, 44, 45, 46, 47, 48, and 49 on Map A**.

Land surveys will be conducted to determine the actual acreage and to legally describe and depict each parcel of land to be exchanged in the East Fork Mill Creek area.

Land Donation: In the event that final appraisals show that the value of the private lands exceeds the value of the NFS lands considered for exchange, the exchange will be completed on an equal value basis and Weissman would donate any additional private land to the U.S.



Road Easement Grant to Weissman: The Forest Service would grant to Weissman a “Forest Road Easement”, to authorize Weissman’s continued non-exclusive use and maintenance of East Fork Mill Creek Road #3280, an existing National Forest System Road.

Removal of two cabins on private land: The cabin in the Taylor Fork (Section 1) would be removed. The cabin now on private land south of East Fork Mill Creek would be removed.

Revocation of Special Use Permit: After the proposed exchange, the Forest Service would revoke a Special Use Permit that is currently issued to Weissman for use of one segment of Road #3280. This permit would no longer be needed because the affected NFS land (Map A, Tract 44) would be exchanged to Weissman. After the exchange, Weissman would install and maintain a gate on Road #3280 at the new western property line of SRR.

Patent (deed) Restrictions to Protect Riparian and Wetlands: The patent for the NFS lands to be conveyed to Weissman would contain permanent restrictions to protect approximately 5.7 acres of wetland riparian habitat along the East Fork of Mill Creek and Upper Sage Creek. The Forest Service and Montana Fish Wildlife and Parks would have authority to inspect stream and riparian conditions for compliance.

Micro-hydro electric facility: A hydroelectric facility (owned and operated by SRR) is located along East Fork Mill Creek on both SRR and NFS lands. In the proposal, the Forest Service would exchange a 0.03-acre parcel of NFS land containing part of this facility (Map A, Tract 48), such that the entire facility is located on private SSR land.

Resolving Encroachments: One parcel of NFS land (Map A, Tract 43) contains several encroachments, including a driveway, septic system and lawn associated with Bill LaWarre’s residence. In the exchange, Tract 43 would be conveyed to Weissman, and he plans to re-convey it to Mr. LaWarre. After the exchange, there would be no further need for a Forest Service Special Use Permit for these improvements.

Public Interest Determination:

The proposed Snowy Range Ranch Land Exchange would provide multiple public benefits and is considered to be in the long-term public interest.

One key public benefit of the proposal is the opportunity to acquire the Taylor Fork parcel in Section 1 and consolidate it into public ownership. This area provides critical habitat for wildlife and is also in close proximity to Taylor Fork Creek, which contains important wild trout habitat and provides quality water to the Gallatin watershed. The parcel is also sensitive from a visual standpoint, as it directly viewed from the Taylor Fork Road and from several popular trails. If the Taylor Fork parcel is not acquired, it may be re-sold for permanent development and new road access across NFS lands, which may create significant resource impacts and controversies, in turn generating a substantial workload and expense for the Forest Service.

In East Fork Mill Creek area, consolidating the NFS lands south of East Fork Mill Creek and the SRR lands north of the creek would improve long-term land management efficiency and effectiveness for both parties. Effectiveness would be improved by providing a clearly defined property boundary along the creek, ensuring public foot access along the creek without trespass onto private land, and by eliminating several encroachments on NFS lands. The patent restrictions would ensure protection of the riparian and trout habitat along the creek.

Also, granting a Forest Road easement to Weissman on existing East Fork Mill Creek Road would likely produce future public benefits. It is anticipated that Weissman will maintain the road in good driving condition. This road provides important access to a popular National Forest trailhead and trail system, which would not be affected by the exchange.

To Submit Comments:

Please submit comments by **May 22, 2009** to Robert Davies, Hebgen Lake Ranger District, P.O. Box 520, West Yellowstone, MT 59758. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR Parts 215 or 217 (if applicable). Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware, that under the FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets.

If you have questions or want further information concerning this proposal, please contact Robert Davies (406) 823-6978 at the Hebgen Lake Ranger District, or Pam Brown (406) 823-6066 at the Livingston District, or Bob Dennee (406) 587-6914, Lands staff in Bozeman.

Sincerely,

MARY C. ERICKSON
Forest Supervisor

Enclosures (3 color maps)

Cc: District Rangers, Hebgen Lake and Livingston Districts